an ingredient of the offense and the allegation was not necessary. *United States* v. *Balint,* 42 Sup. Ct. 301 (March 27, 1922).

There is plenty of authority in accord with the principal case. Ignorance of fact and, therefore, absence of evil intent are no defense if the statute negatives that common law essential. *Com.* v. *Mixer,* 207 Mass. 141; *People* v. *Christian,* 144 Mich. 247; *Rex* v. *Wheat,* [1921] 2 K. B. 119, 20 MICH. L. REV. 108. The mere fact, however, that a statute does not contain the word "knowingly" or otherwise expressly require knowledge of fact, does not definitely indicate that knowledge is not an element in the crime. Such a requirement may be judicially implied. *Faulks* v. *People,* 39 Mich. 200; *Reg.* v. *Tolson,* 23 Q. B. Div. 168. Consideration of extrinsic circumstances is suggested in the latter case as a basis for interpretation of the statute. As to the constitutionality of statutes which negative knowledge as a necessary element in criminal liability, see, DUE PROCESS AND PUNISHMENT, 20 MICH. L. REV. 614.

DEEDS—MENTAL CAPACITY MAY EXIST THOUGH GRANTOR HAS NOT CAPACITY TO DO BUSINESS GENERALLY.—Grantor, a widow 93 years of age, made a deed of land to her two granddaughters, following a family consultation at which grantees were present. Plaintiff, grantor's guardian, sued in equity to set deed aside, alleging that grantor was mentally incompetent to execute a deed. *Held,* mental capacity may exist though grantor has not capacity to do business generally. *Sutherland State Bank* v. *Furgason* (Iowa, 1922), 186 N. W. 200.

The degree of mental capacity required to uphold a deed varies with the circumstances surrounding the conveyance, the requirement being that the grantor understand the transaction in hand in all its consequences. *Akers* v. *Mead,* 188 Mich. 277; *Chamberlain* v. *Frank,* 103 Neb. 442; *Swan* v. *Steven's Estate,* 206 Mich. 694. A distinction is to be noted between deeds in the nature of gifts or testamentary conveyances, and those resulting from an ordinary contract of sale. *Hamlett* v. *McMillin* (Mo., 1921), 223 S. W. 1069. The doctrine of the instant case is probably limited to the former, as capacity to do business generally is an ordinary test in cases of the latter type. *Porterfield* v. *Kuss,* (Mo., 1920), 226 S. W. 21; *Bordner* v. *Kelso,* 293 Ill. 175.

EVIDENCE—SHOULD JUDGE OR JURY DETERMINE WHETHER CONFESSION WAS VOLUNTARY?—Defendant was charged with murder, and on trial his confession was offered in evidence by the prosecution, and admitted by the court for determination of the jury as to whether it was voluntary. Defendant contended it was obtained by "third degree" methods, but the only evidential element raising any issue as to whether it was made freely and voluntarily was defendant's denial of any knowledge of it, or of having made or signed it. There was abundant evidence supporting the contention of the prosecution that it was made voluntarily by defendant. *Held,* assuming there was created a tangible doubt as to the voluntary character of the confession, it was proper for the court to admit it and leave the question to the jury. *People* v. *Utter* (Mich., 1921), 185 N. W. 830.